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**MEMO ENDORSED**

May 12, 2023

BY ECF AND ELECTRONIC MAIL

The Honorable Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square, Courtroom 618  
New York, New York 10007

***Walmart Inc., et al. v. Capital One, N.A., 23-cv-02942 (KPF)***

Dear Judge Failla:

We represent Defendant/Counterclaim Plaintiff Capital One, National Association (“Capital One”) in the above-captioned matter. Pursuant to Your Honor’s Individual Rule 9(B)(i), Capital One respectfully submits this letter regarding the sealed treatment of Capital One’s response to Walmart’s May 10, 2023 letter regarding motion practice on Capital One’s Counterclaims (ECF 67), which is being filed under seal and on the public docket in redacted form today.

The contract at issue contains a confidentiality provision that prohibits the parties from disclosing the terms of the contract, which are discussed in Capital One’s letter. The parties are considering which provisions of the contract can be disclosed on the public docket. Capital One therefore respectfully requests the Court’s permission to provisionally redact portions of the letter, and to file the unredacted letter under seal.

Respectfully submitted,

/s/ Mark P. Goodman

Mark P. Goodman

Application GRANTED. The Clerk of Court is directed to maintain docket entry 74 under seal, viewable only to the parties and the Court. The Clerk of Court is further directed to terminate the motion at docket entry 72.

SO ORDERED.

Dated: May 15, 2023  
New York, New York

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE